

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

I. DISPUTE

1. a. Whether there should be reimbursement for a 2001 Dodge Ram 2500 pickup?
b. The request was received on 07/29/02.

II. EXHIBITS

1. Requestor, Exhibit I:
 - a. TWCC-60
 - b. Documentation of truck purchase
 - c. TWCC-21
 - d. Letter of Medical Necessity
 - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
2. Respondent, Exhibit II:
 - a. Response to a Request for Dispute Resolution dated 09/16/02
 - b. Carrier marked exhibits
 - c. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
3. Per Rule 133.307 (g)(3), the Division forwarded a copy of the requestor's 14-day response to the insurance carrier on 09/09/02. Per Rule 133.307 (g)(4), the carrier representative signed for the copy on 09/12/02. The response from the insurance carrier was received in the Division on 09/26/02. Based on 133.307 (i) the insurance carrier's response is timely.
4. A letter Requesting Additional Information is reflected as Exhibit III of the Commission's case file.

III. PARTIES' POSITIONS

1. Requestor: no position statement submitted
2. Respondent: letter dated 09/26/02
"...Carrier submits that preauthorization should not be allowed for the purchase of this vehicle since SOAH has already determined that at [sic] motor vehicle is not qualified as durable medical equipment."

IV. FINDINGS

1. Based on Commission Rule 133.307(d)(1&2), the only dates of service eligible for review are those commencing on 07/29/01.
2. Per letter dated 04/12/02, the Requestor/Claimant is seeking reimbursement of \$7, 572.00 for out of pocket expenses and the payoff amount of \$26,894.70 for a 2001 Dodge Ram 2500 pickup. The total amount in dispute is \$34,466.70.

V. RATIONALE

The Requestor is seeking reimbursement for a 2001 Dodge Ram 2500 pickup. In order for the pickup to be reimbursable, it must be considered “health care” as defined in Sec. 401.011(19) of the Texas Labor Code. More specifically, the pickup would need to be considered “durable medical equipment (DME).” The Texas Workers’ Compensation Commission’s 1996, Medical Fee Guideline states, “DME refers to those items that can withstand repeated use, are primarily used to serve a medical purpose, are generally not useful to a person in the absence of illness, injury, or disease; and are appropriate for use in the injured worker’s home.” Based on the previous definition, while the modifications made to the vehicle would be considered durable medical equipment, the vehicle itself would not be considered durable medical equipment. Therefore, it is the conclusion of Medical Review that the 2001 Dodge Ram 2500 pickup does not qualify for reimbursement per Sec. 408.021 of the Texas Labor Code.

The above Findings and Decision are hereby issued this 11th day of October 2002.

Larry Beckham
Medical Dispute Resolution Officer
Medical Review Division